

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 14-17 are pending in the present application, Claims 14-17 having been amended. Applicants respectfully submit that the support for the amendments to Claims 14-17 is self-evident from the originally filed application.¹ Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 14-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,078,727, hereinafter Saeki) in view of Okada et al. (U.S. Patent No. 6,148,140, hereinafter Okada); Claims 14-17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over Claims 14-16 of copending Application Serial No. 11/484,771; Claims 14-17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over Claims 14-16 of copending Application Serial No. 11/484,657; Claims 14-17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over Claims 14-16 of copending Application Serial No. 11/484,651; and Claims 14-17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over Claims 14-16 of copending Application Serial No. 11/484,634.

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on April 8, 2008. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Arguments presented during the interview are reiterated below.

¹ For example, see page 43, line 27 to page 44, line 1, and page 58, lines 27 to page 59, line 4.

With respect to the rejection of Claim 14 as unpatentable over Saeki in view of Okada, Applicants respectfully submit that the amendment to Claim 14 overcomes this ground of rejection. Amended Claim 14 recites, *inter alia*, “wherein a predetermined number of sectors form each error correction code block, each of said sectors has a predetermined size, and the predetermined number of said sectors relates to an address of the error correction code block.” Saeki and Okada, taken alone or in proper combination, do not disclose or suggest this feature of amended Claim 14.

The feature added to Claim 14 suggests that an ECC block address can be determined by the number of sectors each having a predetermined size. It is noted that the present specification states “[f]urthermore, when the ECC block unit is used as the address unit of AV data, each VOBU address can be easily converted” and “the VOBU recording unit is set to match an integer multiple of ECC block size (32 kbytes), as shown in FIG. 6 (note that 2 kbytes of a sector are used as a minimum unit of address).”² Thus, the present application teaches that sectors, which make up the ECC block, are used as a minimum unit of address.

Page 4, lines 4-5 of the outstanding Office Action takes the position that Saeki describes an error correction block address. Applicants respectfully traverse this position.

Fig. 4 of Saeki merely shows that each ECC block is formed of a predetermined number of sectors (i.e., 16 sectors). The corresponding description at col. 7, line 53 to col. 8, line 7 fails to teach an ECC block address. Saeki includes no disclosure of the address of the ECC block.

Additionally, the description on col. 8, lines 32-39 of Saeki (with reference to Fig. 5) describes addressees relative to the start of the table, and not an address of the ECC block.

Moreover, the “logical sector address” shown in Fig. 4 of Saeki is not the address of the ECC block. Rather, this refers to the different zones in the partition area, and does not

² Specification, page 43, line 27 to page 44, line 1, and page 58, lines 27 to page 59, line 4.

show how the sectors in the ECC block (sector #1, sector #2,...sector #16) relate to an address of the ECC block.

Moreover, Okada does not cure the above-noted deficiencies in Saeki. Okada fails to disclose or suggest an ECC block address.

Since Saeki and Okada fail to disclose or suggest the claimed "wherein a predetermined number of sectors form each error correction code block, each of said sectors has a predetermined size, and the predetermined number of said sectors relates to an address of the error correction code block," Applicants respectfully submit that a person of ordinary skill in the art could not properly combine Saeki and Okada to arrive at the claimed invention.

In view of the above-noted discussion, Applicants respectfully submit that amended Claim 14 patentably distinguishes over Saeki and Okada, taken alone or in proper combination. Amended Claims 15-17 recite elements analogous to those of amended Claim 14. Applicants respectfully submit that amended Claims 15-17 patentably distinguish over Saeki and Okada, taken alone or in proper combination.

With respect to the provisional double patenting rejections, a suitable terminal disclaimer is submitted herewith.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, in view of the present amendment and the previous discussion, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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